

OPEN MEETING MINUTES
Missouri State Board of Embalmers
and Funeral Directors

March 30-April 1, 2009
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

Monday, March 30, 2009 – 12:00-12:01 p.m.

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by James Reinhard, Chairman, at 12:14 p.m. on Monday, March 30, 2009, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call

Board Members Present

James Reinhard, Chairman
Martin Vernon, Vice-Chairman
Gary Fraker, Secretary
Todd Mahn, Member
John McCulloch, Member
Joy Gerstein, Public Member – joined at 12:30 p.m.

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Pam Schnieders, Administrative Assistant (Absent March 30, 2009)
Tabatha Lenzini, Licensure Technician
Earl Kraus, Senior Legal Counsel – joined at 12:40 p.m.
Sharon Euler, Assistant Attorney General

Public Present

Don Eggen, Central Investigations Unit
Kevan Lager, Central Investigations Unit
Doug Ommen, Director, Consumer Protection of the Attorney General's Office
Patricia Churchill, Director, Constituent Services of the Attorney General's Office

Closed Meeting

Motion was made by Gary Fraker and seconded by Martin Vernon to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsection (1) RSMo

and 324.001.9 RSMo for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 324.001.8 RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting.

Wednesday, April 1, 2009

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by James Reinhard, Chairman, at 9:10 a.m. on Wednesday, April 1, 2009, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call

Board Members Present

James Reinhard, Chairman
Martin Vernon, Vice-Chairman
Gary Fraker, Secretary
Todd Mahn, Member
John McCulloch, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Pam Schnieders, Administrative Assistant
Tabatha Lenzini, Licensure Technician
Sharon Euler, Assistant Attorney General

Public Present

John Huff, Department Director
Doug Ommen, Director, Consumer Protection of the Attorney General's Office
Patricia Churchill, Director, Constituent Services of the Attorney General's Office
Connie Clarkston, Director, Legislation and Budget
Melissa Palmer, DIFP – Legislative Coordinator
Chuck Renn, Missouri Insurance Guaranty Association
Carol Fischer, Deputy Secretary of State for Business Services
Don Eggen, Central Investigations Unit
Kevan Lager, Central Investigations Unit
Sharon Ayers, DHSS
Ivra Cross, DHSS-BVR
Lexi Hall, DHSS-BVR

Willie Stone, DHSS-BVR
Rebecca Blake, Homesteader's Life
Bill Bennett, MFDEA
Don Otto, MFDEA
DJ Gross, Duncan Funeral Home
Darlene Russell, CFL Preneed
Bill Staltor, Staltor Legal
Bill Stuart, Cater Funeral Home
Dave Hill, MFAS
Ann Warren, Preneed Insurance Coalition
Don Lakin
Janet Carder, Real Estate Commission
Pam Groose, Board of Private Investigator Examiners
Loree Kessler, Board of Massage Therapy
Emily Carroll, Board of Cosmetology and Barber Examiners
Tom Reichard, Office of Endowed Care Cemeteries
Pamela Ives Hill, Board of Accountancy
Brad Speaks
Michael Meierhoffer, Meierhoffer Funeral Home & Crematory
Todd Carlson, Funeral Directors Life Insurance
Paul Lovelace, FDLIC
Scott Lindley

Approval of Agenda

Motion was made by Gary Fraker and seconded by John McCulloch to approve the open agenda. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

Approval of Minutes

April 7-9, 2008 Open Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the April 7-9, 2008 Open Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

April 10, 2008 Open Conference Call Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the April 10, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

April 14, 2008 Open Conference Call Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the April 14, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

April 22, 2008 Open Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the April 22, 2008 Open Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

April 28, 2008 Open Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the April 28, 2008 Open Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

May 7, 2008 Open Conference Call Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the May 7, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

May 15, 2008 Open Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the May 15, 2008 Open Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

June 12, 2008 Open Conference Call Meeting Minutes

Motion was made by Joy Gerstein and seconded by Todd Mahn to approve the June 12, 2008 Open Conference Call Meeting Minutes as submitted. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

August 18-20, 2008 Open Meeting Minutes – INCOMPLETE

August 18-20, 2008 Open Meeting Minutes were not completed for approval at this meeting.

October 28, 2008 Open Mail Ballot Meeting Minutes – INCOMPLETE

October 28, 2008 Open Mail Ballot Meeting Minutes were not completed for approval at this meeting.

October 31, 2008 Open Mail Ballot Meeting Minutes – INCOMPLETE

October 31, 2008 Open Mail Ballot Meeting Minutes were not completed for approval at this meeting.

December 2-4, 2008 Open Meeting Minutes – INCOMPLETE

December 2-4, 2008 Open Meeting Minutes were not completed for approval at this meeting.

December 8, 2008 Open Meeting Minutes – INCOMPLETE

December 8, 2008 Open Meeting Minutes were not completed for approval at this meeting.

December 11, 2008 Open Conference Call Meeting Minutes – INCOMPLETE

December 11, 2008 Open Meeting Minutes were not completed for approval at this meeting.

December 16, 2008 Open Meeting Minutes – INCOMPLETE

December 16, 2008 Open Meeting Minutes were not completed for approval at this meeting.

December 23, 2008 Open Mail Ballot Meeting Minutes – INCOMPLETE

December 23, 2008 Open Mail Ballot Meeting Minutes were not completed for approval at this meeting.

January 28, 2009 Open Mail Ballot Meeting Minutes – INCOMPLETE

January 28, 2009 Open Mail Ballot Meeting Minutes were not completed for approval at this meeting.

February 18, 2009 Open Mail Ballot Meeting Minutes – INCOMPLETE

February 18, 2009 Open Mail Ballot Meeting Minutes were not completed for approval at this meeting.

Executive Director's Report

Becky Dunn reported on the FY2009 Financial Statement as of January 31, 2009

	Year-To-Date	Projected	Remaining
FY 2009 Beginning Fund Balance	1,499,792.36		
Revenue	100,069.99	158,712.00	58,642.01
Expense and Equipment	89,270.09	145,393.00	56,122.91
Total Transfers	246,889.79	564,237.31	317,347.52
Ending Fund Balance	1,263,702.47		

**FY 2009 OA Cost Allocation
Board Cost:**

OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures
\$585.00	\$0.00	\$130.00	\$25.00	\$567.00

Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts	Total
\$0.00	\$1,804.00	\$81.00	\$654.00	\$3,846.00

Division Cost:

OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures
\$88.19	\$0.00	\$19.63	\$3.84	\$85.48

Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts	Total
\$0.00	\$272.13	\$12.24	\$0.00	\$481.51

FY2009 Total Cost:

\$4,327.51

Introduction of Division Director, Jane Rackers

Jane Rackers, Division Director, was introduced to the Board by Connie Clarkston. Governor Jeremiah (Jay) Nixon appointed Jane Rackers the Director of the Division of Professional Registration beginning January 2009, replacing David Broeker who resigned that position. Members of the Board welcomed Jane Rackers as the new Division Director.

Introduction of Division's Senior Legal Counsel, Earl Kraus

Earl Kraus is the Division's Senior Legal Counsel as of January 2009. Members of the Board welcomed Earl Kraus as the new Senior Legal Counsel.

Missouri Ethics Commission Report

All members of the board are required to file a Personal Financial Disclosure Statement with the Missouri Ethics Commission and should have received their blank statement. The completed statement must be submitted directly to the Missouri Ethics Commission after January 1, 2009 and no later than 5:00 p.m. May 1, 2009.

Rules – Approve

The Board reviewed the following rules: Areas in brackets will be deleted.

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship

(8) Effective July 30, 2004 the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science Section, and Missouri Law section. Application, payment, scheduling and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the Board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another license and that license is in active status. *[within twelve (12) months of the date that the Board receives the new application.]* In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the Board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

20 CSR 2120-2.040 Licensure by Reciprocity

(F) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy five percent (75%) or better within twenty-four (24) months after the Board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the Board *[within twelve (12) months prior to applying for a license]* for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license if the first license remains in active status;

(D) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy five percent (75%) or better within twenty-four (24) months after the Board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the Board *[within twelve (12) months prior to applying for a license]* for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license if the original license remains in active status;

20 CSR 2120-2.060 Funeral Directing

(13) An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another

license if that license remains in active status. *[within twelve (12) months of the date that the Board receives the new application.]*

This is what it says under Definitions:

20 CSR 2120-1.040 Definitions

Consisting of the following:

- (A) National Board Funeral Service Arts Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the Board;
- (B) In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the Board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination;
- (C) National Board Funeral Service Science Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the Board; and
- (D) Missouri Law Section

A motion was made by Todd Mahn and seconded by Martin Vernon to approve the rules as drafted and proceed with filing. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

Legislation – Connie Clarkston – Director Legislation and Budget

Connie Clarkston provided the Board an overview of pending legislation that pertains to the Board. It was mentioned by Darlene Russell that there will be a hearing the next day at 9:00 a.m. in Hearing Room 4.

HB111 sponsored by Representative David Day allows unclaimed remains of veterans to be collected by a veterans' service organization for the purpose of internment in a veterans' cemetery under certain circumstances.

HB174 sponsored by Representative Stanley Cox requires the Governor to disclose certain specified information regarding tax credits and state contracts.

HB 243 sponsored by Representative Chris Molendorp expands the membership of the State Board of Embalmers and Funeral Directors by adding five consumer advocates.

HB316 sponsored by Representative Timothy Jones changes the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law.

HB340 sponsored by Representative Mike Cunningham requires state agencies, public schools and colleges, and political subdivisions to use the traditional names of holidays.

HB607 sponsored by Representative Doug Ervin establishes the Missouri Patient Privacy Act which limits the disclosure of patient medical information.

HB699 sponsored by Representative Jake Zimmerman revises the definition of "public governmental body" as it relates to the Open Meetings and Records Law, commonly known as the Sunshine Law, to include certain public officials and state employees.

HB769 sponsored by Representative Jason Grill requires any business to take all reasonable measures to protect against identity theft when disposing certain information.

HB770 sponsored by Representative Jason Grill establishes provisions for the prevention of and protection from security breaches.

HB841 sponsored by Representative Jay Wasson transfers the duties for the regulation of certain professions from the Division of Professional Registration to the specific governing body for the profession.

HB850 sponsored by Representative Chris Molendorp requires licensed embalmers and funeral directors renewing their licenses to complete a certain number of hours of continuing education.

HB852 sponsored by Representative Jay Wasson specifies that certain information collected from health maintenance and community-based health maintenance organizations that do not contain identifiable information will be public information.

HB853 sponsored by Representative Jay Wasson establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents and establishes the Missouri Preneed Funeral Contract Act.

HB866 sponsored by Representative Don Wells allows certain unsubstantiated complaints made against licensed social workers and physicians by certain sexually violent predators to be removed from the regulating entity's records.

HB876 sponsored by Representative Bill Deeken prohibits an employer from requiring a nonexempt state employee to take time off during any week the employee works more than an eight-hour workday or his or her regularly assigned hours of work.

HB945 sponsored by Representative Don Wells changes the laws regarding endowed care cemeteries.

HB983 sponsored by Representative Margo McNeil requires racial and gender equity in the membership of boards, commissions, committees, and councils.

HB1044 sponsored by Representative Scott Largent requires county coroners and deputy coroners to complete required training within six months of election or appointment.

HB1055 sponsored by Representative Bryan Pratt establishes the Uniform Prudent Management of Institutional Funds Act.

HB1058 sponsored by Representative Jason Smith repeals various expired provisions of law as contained in the January 2009 Annual Report of the Joint Committee on Legislative Research on Laws Which Expire, Sunset, Terminate, or Become Ineffective.

HB1083 sponsored by Representative Therese Sander penalizes state entities who knowingly and purposely disclose Social Security Numbers of living persons unless such disclosure is permitted by law or otherwise.

HJR23 sponsored by Representative Allen Ictet proposes a constitutional amendment prohibiting appropriations in any fiscal year from exceeding certain limits.

SB1 sponsored by Senator Scott Wasson establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents.

SB245 sponsored by Senator Kurt Schaefer creates consumer notification requirements for data security breaches.

SB416 sponsored by Senator Tom Dempsey modifies provisions related to cemeteries.

SB472 sponsored by Senator Luann Ridgeway requires the governor and political subdivisions to disclose information regarding the distribution of public funds.

SB495 sponsored by Senator John Griesheimer modifies various provisions relating to employment security.

SB560 sponsored by Timothy P. Green removes the requirement that commissioners of the Administrative Hearing Commission be attorneys.

MFDEA Update, Legislative Proposals (Don Otto)

The Missouri Funeral Directors and Embalmers Association will hold its Annual Convention the last week of May 2009. There will be a seminar including an overview of the new law if it passes.

Chuck Renn – Missouri Insurance Guaranty Association

Chuck Renn, Missouri Insurance Guaranty Association, provided the Board with an overview of their current status in regards to paying claims.

As of April 1, 2009, the Missouri Life and Health Insurance Guaranty has funded 1724 claims in the aggregate amount of \$6,868,982. Further, the Special Deputy Receiver ("SDR") has processed an additional 757 claims that are at various points in the approval process. These pending claims total an additional \$2,848,128. All claims are currently being processed within a 60 day time frame. The only exceptions to this statement are those claims that require additional information or documentation from the funeral homes.

The process for handling claims involves four major steps. They are:

- 1) The initial review by the SDR includes the coordination of the preneed contract with all associated insurance policies issued by Lincoln Memorial.
- 2) The next step is for the guaranty association auditors to review the claims for compliance to the governing statutes, the court approved liquidation plan, and general audit tests.
- 3) The audited claims are then subject to the SDR issuing the appropriate assignment and release forms to the funeral homes for their signature.
- 4) The final step is taken when the funeral homes return the signed assignment and release forms. At a point where there is a sufficient number of returned forms, but no longer than every two weeks, the SDR requests funds to enable the issuing of checks to pay the pending claims.

Protocols and procedures are being developed to guide the evaluation of orphan contracts.

Electronic Filing of Death Certificates (Ivra Cross and Sharon Ayers, General Counsel)

Ivra updated the Board on the web registration system to file death certificates. She explained that Department of Homeland Security has encouraged the states to develop electronic vital records systems to assist in deterring fraud and to provide a more timely and secure environment for collecting and sharing information. It was explained the Bureau of Vital Records (BVR) wrote an RFP for a base system and has now selected a vendor. The selected vendor is ManTech. They have served the vital records community for 20 plus years and were also awarded bids for the States of Kansas, Arkansas and Oklahoma for their electronic systems. Ivra explained that the system would pretty much mirror the Oklahoma system since our laws were similar so there would be minimal customization. The State of Kansas BVR has indicated that 30 plus Missouri funeral directors are using their electronic system and appear to like it. Missouri has identified at least 21 states that have implemented electronic systems and several are already reengineering to update in today's environment. BVR's vision for this system would be in two parts, the fact of death portion that showed the personal history information, then the medical certification part of the certificate the certifier would complete. The laws requiring the funeral director to collect the personal data, submit

to the certifier, and register the record with the registrar would not change in their responsibility.

Once the funeral director entered the fact of death information, they would no longer have to notify the local registrar, the system would provide notification. The system would also provide notification to SSA when the fact of death information is entered that included the SSN. BVR would also like to have the fact of death portion to issue even if the certification portion has not been completed. This process would be useful when the cause of death portion is not needed. An example would be to provide proof of death when conducting financial matters at the bank.

Implementation would be in phases. Not every facility would implement at the same time. To be in compliance with the statutory implementation date the pilot facilities would go live January 1, 2010. All other facilities would be phased onto the system gradually. Rural areas would be phased in last. Training would be conducted across the state by BVR field representatives starting sometime in September.

Concern was expressed by some funeral directors for physicians not certifying in a timely manner. System would have time sensitive dates and would prompt provider after so many days. If no response by data provider, state may have to assist funeral directors in notifying the Chief Medical Officer of the facility in getting the certificates completed and returned to funeral directors so that it could be registered. This is a current process that would also not require a change to the law. A sample of the 2003 revised Missouri Certificate of Death was shared. It was explained that the revision was designed using the recommendations and guidelines by the National Center for Health Statistics. The electronic certificate would be edited by the system for completeness and accuracy. If all edits were approved, the certificate would register and filter back through the system and made available to the local registrars for issuance within hours. This electronic system would allow more timely registrations. With the editing process, there would less likely be errors, certificates and/or certified copies would not have to be replaced as in a manual process. The system would not allow registration until the deficiencies were corrected and resubmitted. In some instances there would still be a paper process. BVR will need to have some discussions with State Board and MFDEA to resolve the issues of funeral directors and embalmer's signatures. However, Missouri is looking towards a totally paperless electronic system for the future.

Ivra shared that BVR has enlisted several physicians and funeral directors that are very receptive towards piloting and looking forward to going live.

Carol Fischer, Deputy Secretary of State for Business Services – Entity/Fictitious Name

Carol Fischer, Deputy Secretary of State for Business Services, provided the Board information regarding Missouri Revised Statutes, Chapter 417.210.

Due to a change in Missouri law, fictitious name registrations now expire five years from the date they were filed. If you filed a fictitious name registration on or before August 28, 2004, your business must renew their registration with the Secretary of State's office no later than August 28, 2009 or the registration will expire. The Secretary of State office mailed all businesses that filed a fictitious name registration within this timeframe a notice. Beginning March 2009, a fictitious name registration may be renewed online, or print a fictitious renewal form for mailing. Businesses must renew their fictitious name registration by the due date in order to continue to legally do business in Missouri. If the business is no longer in existence

or if you wish to let your fictitious name registration expire, no action is required. Once expired, that registration cannot be reinstated or renewed; those wishing to continue their business will need to file new fictitious name registration and will be issued a new charter number. Attached is a brochure from the Secretary of State, Corporations Division that was distributed during the meeting.

Missouri Sales Tax Reporting Requirement

The Board reviewed the new Missouri Sales Tax Reporting Requirement. Effective January 1, 2009, Missouri state law requires that any licensed business selling retail products or equipment to verify compliance with section 144.083.4 RSMo and the Missouri Department of Revenue by providing a "no sales tax due" statement to the State Board of Embalmers and Funeral Directors prior to the issuance of all renewals and/or new establishment licenses.

Election of Officers

Chairman:

A motion was made by John McCulloch and seconded by Joy Gerstein to nominate and vote in by acclamation Martin Vernon as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with James Reinhard, Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

Vice-Chairman:

A motion was made by John McCulloch and seconded by Joy Gerstein to nominate and vote in by acclamation Gary Fraker as Vice-Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with James Reinhard, Martin Vernon, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

Secretary:

A motion was made by John McCulloch and seconded by Joy Gerstein to nominate and vote in by acclamation Todd Mahn as Secretary of the State Board of Embalmers and Funeral Directors. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition.

Future Meeting Dates

The Board reviewed a 2009 calendar in order to plan for future meeting dates. The Board asked the Executive Director to check into board meeting room availability for August 2009 in Jefferson City/Lake of the Ozarks, Missouri.

Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business

Saponi Nation of Missouri, Mahenips Band

Earl Kraus, Senior Legal Counsel, advised the Board regarding the Saponi Nation of Missouri and the letter they sent relative to compliance with state laws as they conduct their own burials. The Board's concern is relative to the location of the embalming. The Board directed a letter be written to John Trullinger, Tribal Chairman, ensuring that the Arkansas embalmer is in compliance with Missouri laws if the embalming is being performed in Missouri.

Closed Meeting

A motion was made by Gary Fraker and seconded by Martin Vernon to move into closed session pursuant to Section 610.021 Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 324.001.8 RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting.

Adjournment

A motion was made by John McCulloch and seconded by Joy Gerstein to adjourn. Motion carried with Martin Vernon, Gary Fraker, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 12:40 p.m. on Wednesday, April 1, 2009. James Reinhard and Todd Mahn were absent from this portion of the meeting.

Executive Director: Sandy Sebastian

Approved by the Board on: 4/14/10